2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Multilateral nuclear supply principles of the Zangger Committee

Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee

Introduction

1. Previous review conferences of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), when reviewing the implementation of the Treaty in the area of export controls, have repeatedly noted the role of the Zangger Committee. The Committee, also known as the "NPT Exporters Committee", essentially contributes to the interpretation of article III, paragraph 2, of the Treaty and thereby offers guidance to all parties to the Treaty. The Committee and its work were mentioned in final documents or in Committee reports of review conferences from 1975, 1985, 1990, 1995 and 2000.

2. The purpose of this paper is to describe the work of the Zangger Committee in order to provide better insight into the Committee's objectives. Furthermore, it is consistent with one of the calls of the 1995 Review and Extension Conference of the Parties to the Treaty, which in paragraph 17 of its decision on "Principles and objectives for nuclear non-proliferation and disarmament" stated that "transparency in nuclear export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty".

3. Attached to this paper are the statements of previous NPT review conferences referring to the Zangger Committee.

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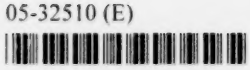

Zangger Committee

Article III, paragraph 2

4. Article III, paragraph 2 of the NPT performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it provides:

> "Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article."

5. The main significance of this paragraph is that parties to the Treaty should not export, directly or indirectly, nuclear material and equipment or material especially designed or prepared for the processing, use, or production of special fissionable material to non-nuclear-weapon States not parties to the NPT unless the export is subject to International Atomic Energy Agency (IAEA) safeguards as required by article III. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material and equipment or material from peaceful purposes to nuclear weapons or other nuclear explosive devices, which furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings, in line with article III, paragraph 2, also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

Zangger Committee understandings

7. Between 1971 and 1974 a group of 15 States — some already parties to the Treaty, others prospective parties — held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a common understanding on:

(a) The definition of what constituted "equipment or material especially designed or prepared for the processing, use or production of special fissionable material" (as it was not defined anywhere in the Treaty);

(b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2 on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on basic "understandings" contained in two separate memorandums. Together, these memorandums form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2. The first memorandum concerns source and special fissionable material (article III, paragraph 2 (a)), the second, equipment and material especially designed or prepared for the processing, use or production of special fissionable material (article III, paragraph 2 (b)).

10. The consensus which formed the basis of the Committee's understandings was formally accepted by individual States members of the Committee by an exchange of notes among themselves. These amounted to unilateral declarations that the understandings would be given effect through respective domestic export control legislation. In parallel with this procedure, most member States wrote identical letters to the Director General of IAEA informing him of their decision to act in conformity with the conditions set out in the understandings. These letters also asked the Director General to communicate their decision to all States members of the Agency, which he did through an information circular dated 3 September 1974 (IAEA document INFCIRC/209).

11. Memorandum A defines the following categories of nuclear material:

(a) Source material: natural or depleted uranium and thorium;

(b) Special fissionable material: plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233.

12. Memorandum B, as clarified since 1974 (see paras. 16 and 17 below), contains plants, equipment and, as appropriate, material in the following categories: nuclear reactors, non-nuclear materials for reactors, reprocessing, fuel fabrication, uranium enrichment, heavy water production, and conversion.

13. To fulfil the requirements of article III, paragraph 2, the Zangger Committee understandings contain three basic conditions of supply for these items:

(a) For exports to a non-nuclear-weapon State not party to the Treaty, source or special fissionable material either directly transferred, or produced, processed, or used in the facility for which the transferred item is intended, shall not be diverted to nuclear weapons or other nuclear explosive devices;

(b) For exports to a non-nuclear-weapon State not party to the Treaty, such source or special fissionable material, as well as transferred equipment and non-nuclear material, shall be subject to safeguards under an agreement with the IAEA;

(c) Source or special fissionable material, and equipment and non-nuclear material shall not be re-exported to a non-nuclear-weapon State not party to the Treaty unless the recipient State accepts safeguards on the re-exported item.

Development of the conditions of supply

14. The Committee is holding discussions on possible amendments to its understandings during which it is considering a number of potential elements as conditions of supply, among which are: (a) full-scope safeguards; (b) the Additional Protocol; (c) physical protection as a condition of supply; and (d) "Supporting

Activities", containing commitments to, inter alia, (i) assist other States parties in establishing and implementing national rules and regulations on nuclear transfers, and (ii) support IAEA in its safeguards task in accordance with repeated calls by review conferences. The Committee would welcome the Conference's continued support for its efforts.

"Trigger list" and its clarification

15. The two memorandums (see paras. 9-12 above) became known as the "trigger list", since the export of listed items "triggers" IAEA safeguards. In other words, as described above, they will be exported only if (a) the transferred equipment or source or special fissionable material or (b) the material produced, processed or used in the facility for which the item is supplied, is subject to safeguards under an agreement with IAEA based on the IAEA safeguards system for NPT purposes.

16. Attached to the trigger list is an annex "clarifying", or defining, the equipment and material of memorandum B in some detail. The passage of time and successive developments in technology have meant that the Committee is periodically engaged in considering possible revisions to the trigger list, and the original annex has thus become increasingly detailed. To date, eight clarification exercises have taken place. Clarifications are conducted on the basis of consensus, using the same procedure followed in the adoption of the original understandings.

17. A summary of these clarifications reflects both some detail on the contents of the trigger list and an idea of the work of the Zangger Committee (dates are for publication of modifications and revisions of INFCIRC/209):

(a) In **December 1978**, the annex was updated to add heavy water production plants and equipment, and a few specific items of isotope separation equipment for uranium enrichment;

(b) In **February 1984**, further detail was added to the annex to take account of technological developments during the preceding decade in the area of uranium enrichment by the gas centrifuge process;

(c) In **August 1985**, a similar clarification was made to the annex section on irradiated fuel reprocessing;

(d) In **February 1990**, the uranium enrichment section was further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method;

(e) In **May 1992**, specific items of equipment were added to the section on heavy water production;

(f) In **April 1994**, the enrichment section of the annex was subject to its most significant expansion yet. Existing portions of the section were updated, and detailed lists of equipment were added for the enrichment processes of aerodynamic, chemical and ion exchange, laser-based plasma, and electromagnetic separation. A significant modification was also made to the entry for primary coolant pumps;

(g) In **May 1996**, the sections on reactors and reactor equipment, on non-nuclear materials, on the fabrication of fuel elements as well as on heavy water production were reviewed. Parts of these sections were updated and new, detailed equipment was added;

(h) In **March 2000**, a new section on uranium conversion was added. This section also contains elements transferred from section 3 (reprocessing).

All these changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.2.

Membership

18. All Zangger Committee members are parties to the Treaty that are capable of supplying trigger list items. Currently there are 35 members (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States). The Commission of the European Union attends the meetings as permanent observer. Any party that is an actual or potential nuclear supplier and is prepared to implement the Committee's understandings is eligible for membership. Decisions to invite new members of the Committee are taken by consensus of existing members. In the interest of strengthening the Treaty and the nuclear non-proliferation regime in general, Zangger Committee members have urged parties to the Treaty that are nuclear suppliers to consider seeking membership. NPT parties interested in doing so should visit the Committee's website (www.zanggercommittee.org) and may contact the Secretariat (the United Kingdom Mission in Vienna) or any State member of the Committee.

Outreach

19. Late in 2001, the Zangger Committee decided to launch an outreach programme between the Zangger Committee and third countries. The outreach programme has three objectives:

(a) To build a strong and sustainable relationship between the Zangger Committee and third countries;

(b) To increase the transparency of the activities of the Committee by explaining its role, purpose and functions, in particular its role as technical interpreter of article III, paragraph 2 of the Treaty;

(c) To provide opportunities for open dialogue on issues of common interest and concern on non-proliferation and nuclear export controls.

In conducting this exercise, the Zangger Committee wishes to underline that (a) the outreach programme reflects the fact that the Committee is a technical body with a remit to interpret article III, paragraph 2 of the Treaty and as such outreach will not be a political dialogue; (b) the programme is restricted to States parties to the Treaty; and (c) the programme is informal.

Subjects for discussion include:

- The role and purpose of the Zangger Committee
- The trigger list and its clarification
- Conditions of supply
- Membership of the Committee
- The Committee and NPT conferences.

Zangger Committee and NPT conferences

20. At the first NPT Review Conference in 1975, a brief paragraph in the Final Document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-NPT non-nuclear-weapon States. The Conference went on to attach particular importance to the fact that those suppliers had established as a supply condition an undertaking of non-diversion to nuclear weapons.

21. In 1980, the Review Conference produced no consensus final document. However, in 1985, the Final Document contained a short reference to the Committee's activities, again without naming it. This time the Conference in effect endorsed the main activity of the Zangger Committee by indicating that further improvement of the trigger list should take account of advances in technology.

22. In 1990 the Zangger Committee was mentioned by name and the Conference provided a brief description of its aims and practices. While the Conference did not adopt a final declaration, Main Committee II agreed on language pertaining to a number of ideas and proposals concerning the implementation of the Treaty in the areas of the non-proliferation of nuclear weapons and safeguards. Main Committee II observed that Zangger Committee members had met regularly to coordinate the implementation of article III, paragraph 2 and had adopted nuclear supply requirements and a trigger list. It recommended that this list be reviewed periodically to take into account advances in technology and changes in procurement practices, a recommendation that the Zangger Committee has continued to pursue. Main Committee II also urged all States to adopt the Zangger Committee's requirements for any nuclear cooperation with a non-nuclear-weapon State not party to the Treaty.

23. At the 1995 NPT Review and Extension Conference, the work of the Zangger Committee was also referenced in Main Committee II and, more specifically, in the working group established by Main Committee II to consider export control issues. While the Conference did not adopt a final declaration similar to those of previous conferences, a consensus text on the Zangger Committee was attained. (The unofficial text emerging from this exercise was subsequently published in IAEA document INFCIRC/482 for information purposes.) The working group noted that a number of States suppliers had formed an informal group known as the Zangger Committee and had adopted certain understandings. It invited States to consider applying those understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The working group

further noted that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. At the same time it called for international consultations among all interested States.

24. The Conference approved, inter alia, decision 2, which contains a set of principles and objectives, and decision 3, which provides the basis for the adopted "Enhanced Review Mechanism" of the implementation of the Treaty.

25. Decision 2 contains several principles of particular relevance to the work of the Zangger Committee, in the fields of safeguards and export controls (see annex II to this paper, principles 9 to 13). In particular, principle 17 calls upon all States to promote transparency in nuclear-related export controls through cooperation and dialogue. Members of the Committee have worked to promote transparency through international seminars and other forms of dialogue.

26. At the 2000 Review Conference, export control issues were discussed by an informal, open-ended working group established by Main Committee II. The working group did not reach final agreement on a text mentioning the Zangger Committee. In the end, only two paragraphs of the Final Document referenced indirectly the work of the Zangger Committee without naming it: the Conference recommended that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time, and it requested that any supplier arrangement should be transparent.

27. The statements of review conferences on the Zangger Committee are attached as annex I to this working paper.

Annex I

References to Zangger Committee activities in NPT Review Conference documents

First NPT Review Conference (1975)

A paragraph in the Final Document referenced the work of the Zangger Committee without naming it:

> "With regard to the implementation of article III (2) of the Treaty, the Conference notes that a number of states suppliers of material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connection with their exports of certain such items to non-nuclear-weapon states not party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those states, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements" (NPT/CONF.35/I, annex I, p. 3).

Third NPT Review Conference (1985)

The 1980 NPT Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

> "The Conference believes that further improvement of the list of materials and equipment which, in accordance with article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology" (NPT/CONF.III/64/I, annex I, p. 5, para. 13).

Fourth NPT Review Conference (1990)

While the Conference did not adopt a final document, Main Committee II did agree on a number of ideas and proposals, including the following language on the Zangger Committee:

> "The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to coordinate their implementation of article III, paragraph 2. To this end, these states have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not party to the treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear cooperation with non-nuclear-weapon states not party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States parties to consider further ways to improve the measures to prevent diversion of nuclear technology for nuclear

weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation regime, the Conference also notes that items included in the 'trigger list' are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by states parties for the development of nuclear energy for peaceful uses" (NPT/CONF.IV/DC/1/Add.3 (a), p. 5, para. 27).

NPT Review and Extension Conference (1995)

While the Conference did not adopt a final declaration similar to those of previous conferences, Main Committee II and its subsequent working group did agree on a number of ideas and proposals, including the following language on the Zangger Committee, which reached informal consensus in the working group of Main Committee II and was separately published in IAEA document INFCIRC/482:

"The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices."

"The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under article III, paragraph 2" (INFCIRC/482, attachment, paras. 5 and 7).

The Conference adopted in decision 2 a number of principles and objectives related to safeguards and export controls, which are reproduced in annex II below.

Sixth NPT Review Conference (2000)

Main Committee II and its working group discussed a number of ideas and proposals, including the following language on the Zangger Committee, without reaching final agreement:

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee, in order to coordinate their

implementation of article III, paragraph 2 of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty."

In the Final Document, two paragraphs referenced indirectly the work of the Zangger Committee without naming it:

"52. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III (2), be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices.

"53. The Conference requests that any supplier arrangement should be transparent and should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties, in conformity with articles I, II, III, and IV of the Treaty."

Annex II

Principles and objectives related to safeguards and export controls, as contained in decision 2 of the 1995 NPT Review and Extension Conference

Safeguards

9. The International Atomic Energy Agency is the competent authority responsible to verify and assure, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

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Working paper on article X (NPT withdrawal) submitted by Australia and New Zealand

Introduction

The possibility of a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) building a capacity for rapid breakout to nuclear weapons and then withdrawing from the Treaty has existed since the inception of the Treaty. The Treaty addresses this risk by strictly limiting the circumstances in which withdrawal is possible. According to article X of the Treaty, a party to the Treaty seeking to withdraw is required to have determined that "... extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country". To underline the seriousness of any proposed withdrawal, article X requires that notice of withdrawal be given not only to all other Parties, but also to the Security Council.

Agreement by the Review Conference of some common understandings on withdrawal from the Treaty would assist with ensuring a prompt and appropriate international response in any further cases. It is not proposed that the withdrawal provisions of NPT be altered in any way. The intention is to support better use of existing provisions and structures.

NPT parties should not be able to evade their commitments under the Treaty by withdrawal. International law applying in cases of treaty withdrawal should be affirmed in the context of NPT. In particular, article 70 of the Vienna Convention on the Law of Treaties provides that withdrawal from a treaty does not absolve a party from performing any obligations that accrued prior to a valid exercise of its right to withdraw.

An NPT party that withdraws from the Treaty should not be able to use nuclear items acquired for peaceful purposes while the party was subject to the non-proliferation assurance of NPT membership. NPT parties should confirm that nuclear materials, equipment and technology acquired by a State on the basis that they would be used for peaceful purposes remain subject to peaceful use obligations even if a State withdraws from the NPT. In accordance with article III of the Treaty, no party should supply nuclear items to a State that has withdrawn. Parties should also be vigilant not to supply to such a State dual-use items that could advance its nuclear programme.

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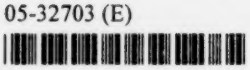

Intergovernmental agreements on transfers for the peaceful uses of nuclear energy should forbid the use of nuclear materials, equipment and technology subject to such agreements if the recipient withdraws from the NPT. This same condition should apply also to nuclear materials, equipment and technologies produced from, or with the help of, nuclear materials, equipment and technology originally transferred. Intergovernmental nuclear transfers agreements should require that, in cases of NPT withdrawal nuclear materials, equipment and technology would be returned to the supplier State, rendered inoperable or dismantled under international verification.

Withdrawal from the Treaty cannot be an avenue for NPT parties to avoid international accountability for violations committed while a party to the Treaty. In view of the seriousness of any NPT withdrawal and the potential threat to international peace and security, it would be appropriate for the Security Council to convene automatically and immediately when any State gives notice of NPT withdrawal. There would also be merit in convening an extraordinary meeting between the States parties to the Treaty to consider any case of withdrawal.

Such a meeting of the Security Council could, inter alia, set out the conditions that would apply in the event that a notified withdrawal proceeds. Swift and decisive action by the Security Council in the case of NPT withdrawals has been identified by the Director General of the International Atomic Energy Agency (IAEA) as an essential step to strengthen the NPT.

The importance of this issue was recognized by the United Nations High-level Panel on Threats, Challenge and Change, appointed by the Secretary-General, which concluded in its December 2004 report that NPT parties that withdraw "... should be held responsible for violations committed while still a party to the Treaty". The High-level Panel recommended that a State's notice of withdrawal "... should prompt immediate verification of its compliance with the Treaty, if necessary mandated by the Security Council" (A/59/565, para. 34).

Proposed language of the Final Document

The Conference stresses that NPT withdrawal is not a means for States that violate their Treaty obligations to avoid being held accountable for such breaches, in accordance with the responsibilities of the Security Council and, where appropriate, the Board of Governors of IAEA. The Conference considers that any notice of withdrawal should prompt immediate verification of the State's compliance with the Treaty, if necessary mandated by the Security Council.

The Conference considers any notice of withdrawal from the Treaty to be potentially an issue of fundamental importance to international peace and security, warranting immediate, automatic consideration by the Security Council and appropriate action by the Security Council. Provision might also be made to convene an extraordinary meeting of NPT States parties. Consistent with the international legal principles applying to treaties, the Conference affirms that withdrawal from the Treaty does not absolve a State party from meeting obligations it had not met at the time of withdrawal. The Conference stresses that nuclear materials, equipment and technology acquired by a State on the basis that they would be used for peaceful purposes remain subject to peaceful use obligations even if a State withdraws from the Treaty.

The Conference urges nuclear suppliers to include in intergovernmental agreements on transfers for the peaceful uses of nuclear energy a clause forbidding the use of nuclear materials, equipment and technology subject to such agreements, if the recipient withdraws from NPT.

This same condition should apply to nuclear materials, equipment and technologies produced from, or with the help of, nuclear materials, equipment and technology originally transferred. Such intergovernmental agreements should require that in cases of NPT withdrawal nuclear materials, equipment and technology be returned to the supplier State, rendered inoperable or dismantled under international verification. The Conference underlines that, in accordance with article III of the Treaty, no party should supply nuclear items to a State that has withdrawn. Parties should also be vigilant not to supply to such a State dual-use items that could advance its nuclear programme.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2005

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New York, 2-27 May 2005

Procedural and other arrangements for the effective and successful outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls that the Preparatory Committee for the 2005 Review Conference was mandated and tasked to undertake the following:

(a) Consider specific matters of substance relating to the implementation of the Treaty and decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty. (Final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons);

(b) At its third and, as appropriate, fourth session, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference. (Final document of the 2000 Review Conference);

(c) The States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee. (Final document of the 2000 Review Conference);

(d) The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapons States parties to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue. (Final document of the 2000 Review Conference);

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(e) The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference. (Final document of the 2000 Review Conference and decision 1, "Strengthening the Review Process for the Treaty" adopted in 1995).

2. In the context of the above-mentioned tasks and mandates, the Group of Non-Aligned States parties to the Treaty calls for:

(a) An agreement on item 16 of the provisional agenda of the Review Conference, which would be as follows:

"Review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the Decisions and the Resolution adopted by the 1995 Review and Extension Conference and the Final documents of the 1975, 1985 and 2000 Review Conferences";

(b) An agreement on the establishment of subsidiary bodies, in accordance with rule 34 of the draft rules of procedure for the 2005 Review Conference, to consider, respectively, issues related to nuclear disarmament, security assurances and regional issues, with particular reference to the 1995 resolution on the Middle East.

3. The Group of Non-Aligned States parties to the Treaty furthermore calls on the Review Conference to:

(a) Consider the further strengthening or enhancement of the review process, including with regard to new institutions of the Treaty;

(b) The further strengthening or enhancement of the regular reporting mechanism provided for in accordance with the Final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

(c) Consider the steps and other actions that could be undertaken to promote disarmament and non-proliferation education, with particular reference to the Treaty;

(d) Support the recommendation of the third session of the Preparatory Committee regarding the participation of non-governmental organizations.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2005

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New York, 2-27 May 2005

Substantive issues to be considered by Main Committee I of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Nuclear disarmament

1. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is a key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons and an essential foundation for the pursuit of nuclear disarmament.

2. The Group of Non-Aligned States parties to the Treaty remains deeply concerned by strategic defence doctrines that set out the rationales for the use of nuclear weapons, as demonstrated by the recent policy review by one of the nuclear-weapon States to consider expanding the circumstances in which these weapons could be used.

3. The Group of Non-Aligned States parties to the Treaty reiterates its call for a full implementation of the unequivocal undertaking given by the nuclear-weapon States at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. That undertaking should be demonstrated without delay through an accelerated process of negotiations and through the full implementation of the 13 practical steps to advance systematically and progressively towards a nuclear-weapon-free world as agreed to at the 2000 Review Conference.

4. The Group of Non-Aligned States parties to the Treaty deeply regrets the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament. The negotiation of a phased programme for the complete elimination of nuclear weapons with a specified time frame, including a nuclear weapons convention, is necessary and should commence without delay. In that regard, the

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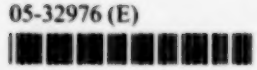

Group reiterates its call to establish, as soon as possible, and as the highest priority, an ad hoc committee on nuclear disarmament.

5. The Group remains concerned by the continued inability of the Conference on Disarmament to resume its negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile materials for nuclear weapons and other explosive devices, taking into account both nuclear disarmament and non-proliferation objectives. In this context, the Conference on Disarmament is urged to agree a programme of work that includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years. The Group is also concerned by attempts to limit the scope of the negotiations on a fissile material treaty as contained in the statement of the Special Coordinator in 1995 and the mandate contained therein, which was endorsed at both the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the 2000 Review Conference.

6. The Group of Non-Aligned States parties to the Treaty remains deeply concerned by the lack of progress towards achieving the total elimination of nuclear weapons despite some reports of bilateral and unilateral reductions. The Group is also concerned by the existence and continued deployment of tens of thousands of such weapons, whose exact number remains unconfirmed, owing to the lack of transparency in various nuclear weapons programmes. While noting the signing of the Treaty between the United States of America and the Russian Federation on Strategic Offensive Reduction on 24 May 2002, the Group stresses that reductions in deployments and in operational status cannot take the place of irreversible cuts in, and the total elimination of, nuclear weapons. The non-entry into force of START II is a setback to the 13 practical steps in the field of nuclear disarmament adopted at the 2000 Review Conference. In that regard, the Group calls for the application of the principles of irreversibility and increased transparency by the nuclear-weapon States regarding nuclear disarmament and nuclear and other related arms control and reduction measures.

7. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the abrogation of the Treaty on the Limitation of Anti-Ballistic Missile Systems has brought new challenges to strategic stability and the prevention of an arms race in outer space. The Group remains concerned that the implementation of a national missile defence system could trigger an arms race or arms races, the further development of advanced missile systems and an increase in the number of nuclear weapons. In accordance with General Assembly resolution 59/65, the Group emphasizes the urgent need for the commencement of substantive work, at the Conference on Disarmament, on the prevention of an arms race in outer space.

8. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons also believes that the possible development of new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes as well as the lack of progress in diminishing the role of nuclear weapons in security policies further undermine disarmament commitments.

9. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons underlines the unanimous conclusion of the

International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

10. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons has called for the establishment of a subsidiary body on nuclear disarmament to focus on the issue of fulfilment of the obligations under article VI.

Nuclear testing

11. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons welcomes the signature of the Comprehensive Nuclear-Test-Ban Treaty by 175 States and its ratification by 120 States. The Group, in accordance with its long-standing and principled position in favour of the total elimination of all forms of nuclear weapons, supports the objectives of the Treaty, which is intended to enforce a comprehensive ban on all nuclear test explosions, and to stop the qualitative development of nuclear weapons that would pave the way towards the total elimination of nuclear weapons.

12. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the significance of achieving universal adherence to the Comprehensive Nuclear-Test-Ban Treaty, including by the five nuclear-weapon States, would contribute towards the process of nuclear disarmament and therefore towards the enhancement of international peace and security. The Group also believes that if the objectives of the Comprehensive Nuclear-Test-Ban Treaty were to be fully realized, the continued commitment of all States signatories, especially the five nuclear-weapon States, to nuclear disarmament, would be essential.

13. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the five nuclear-weapon States have a special responsibility to ensure the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, not only because they are among the 44 States listed in Annex 2 to the Treaty, but also because, on account of their position, they are expected to lead in making the ban on tests a reality. It will be possible to determine the success of the Comprehensive Nuclear-Test-Ban Treaty only when it has been signed and ratified by the five nuclear-weapon States and the remaining countries in Annex 2.

14. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons regrets the fact that one nuclear-weapon State has taken the decision not to proceed with the ratification of the Comprehensive Nuclear-Test-Ban Treaty. Positive decisions by the nuclear-weapon States would have the desired impact on progress towards entry into force of the Comprehensive Nuclear-Test-Ban Treaty. Early ratification by nuclear-weapon States would pave the way and encourage the remaining countries listed in Annex 2 to the Comprehensive Nuclear-Test-Ban Treaty, especially the three States with unsafeguarded nuclear facilities, to sign and ratify the Treaty.

15. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls the undertaking by the nuclear-weapon States at the time of negotiation of the Comprehensive Nuclear-Test-Ban Treaty to

ensure that the Treaty would halt both vertical and horizontal proliferation, thereby preventing the appearance of new types of nuclear devices, as well as nuclear weapons based on new physical principles. The nuclear-weapon States stated at that time that the only steps to be followed would be to maintain the safety and reliability of the remaining or existing weapons, which would not involve nuclear explosions. In that regard, the Group calls upon those States to continue to refrain from conducting nuclear test explosions for the development or further improvement of nuclear weapons. The Group wishes to re-emphasize the principles of the non-proliferation regime, both vertically and horizontally.

16. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons underscores the importance of the five nuclear-weapon States maintaining their voluntary moratoriums on nuclear weapon test explosions since the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty. However, the Group believes that moratoriums do not take the place of the signing, ratification and entry into force of the latter.

17. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the development of new types of nuclear weapons is contrary to the guarantee given by the five nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty, namely, that the Treaty would prevent the improvement of existing nuclear weapons and the development of new types of nuclear weapons. Pending the entry into force of the Treaty, States should refrain from any actions contrary to its objectives and purpose. In this context, the Group is seriously concerned by the decision by a nuclear-weapon State to reduce the time necessary to resume nuclear testing to 18 months as a setback to the 2000 Review Conference agreements. The lack of progress in the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty also remains a cause for concern.

Security assurances

18. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the Conference should also substantially focus on the issue of security assurances. At the 2000 Review Conference, the States parties to the Treaty had agreed that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties ... strengthened the nuclear non-proliferation regime and called on the Preparatory Committee to make recommendations to the 2005 Review Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons on this issue.

19. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls that the thirteenth Conference of Heads of State or Government of the Non-Aligned Countries expressed serious concern that the development of new types of nuclear weapons was being considered, and reiterated that the provision for the use of nuclear weapons against non-nuclear-weapon States was in contravention of the negative security assurances that had been provided by the nuclear-weapon States. The Group also recalls that the Heads of State or Government of the Non-Aligned Countries also restated that the development of new types of nuclear weapons contravened the assurances provided

by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty that the Treaty would prevent the improvement of existing nuclear weapons and development of new types of nuclear weapons.

20. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

21. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms that the total elimination of nuclear weapons is the only absolute guarantee that there will be no use or threat of use of nuclear weapons and further reaffirms that non-nuclear-weapon States should be effectively assured by nuclear-weapon States that there will be no use or threat of use of nuclear weapons. Pending the total elimination of nuclear weapons, the Group reiterates that efforts to conclude a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority.

22. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons stresses that it is the legitimate right of States that have given up the nuclear-weapon option to receive security assurances. In that regard, the Group calls for the negotiation of a universal, unconditional and legally binding instrument on security assurances, believing that such assurances to the non-nuclear-weapon States parties to the Treaty fulfil the undertaking to the States that have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The Group believes that legally binding security assurances within the context of the Treaty would provide an essential benefit to the States parties.

23. In keeping with the above-mentioned position and in accordance with the decision at the 2000 Review Conference, the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons has called for the establishment of a subsidiary body on security assurances for further work to be undertaken to consider legally binding security assurances by nuclear-weapon States.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Substantive issues to considered by Main Committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Nuclear-weapon-free zones

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons continues to consider the establishment of nuclear-weapon-free zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards attaining the objective of global nuclear disarmament. The Group welcomes the efforts aimed at establishing nuclear-weapon-free zones in all regions of the world and calls for cooperation and broad consultations in order to achieve agreements freely arrived at among the States of the regions concerned.

2. The Group of Non-Aligned States Parties to the Treaty reiterates that, in the context of nuclear-weapon-free zones, it is essential that nuclear-weapon States should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. The Group urges States to conclude agreements with a view to establishing new nuclear-weapon-free zones in regions where they do not exist in accordance with the provisions of the Final Document of the First Special Session of the General Assembly Devoted to Disarmament and the principles and guidelines adopted by the United Nations Disarmament Commission at its 1999 substantive session. In this context, the Group considers that the further institutionalization of that status would be an important measure towards strengthening the non-proliferation regime in that region.

3. With the ratification by Cuba of the Treaty of Tlatelolco, all the Latin American and Caribbean States are now parties to the Treaty and this has brought the Treaty into full force in its area of application. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes the need to strengthen the integrity of the statute of denuclearization provided for in the

Treaty of Tlatelolco by a review of the declarations that were formulated by the nuclear-weapon States parties to Protocols I and II for possible withdrawal or modification.

4. The Group of Non-Aligned States Parties to the Treaty welcomes the ongoing consultations between the Association of South-East Asian Nations (ASEAN) and the nuclear-weapon States on the Protocol of the South-East Asian Nuclear-Weapon-Free Zone Treaty and urges the nuclear-weapon States to become parties to the Protocol of the Treaty as soon as possible.

5. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the signature and ratification of the Treaties of Rarotonga and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant Protocols to those treaties. The Group also welcomes the decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible.

6. The Group of Non-Aligned States Parties to the Treaty has also expressed its support for the initiative of convening an international conference of States parties and signatories of the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba in order to support the common objectives established in those treaties and to discuss and implement further ways and means of cooperation among themselves, their Treaty agencies and other interested States as soon as possible. In this context, the Group welcomes the outcome of the Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones, which was held in Mexico City from 26 to 28 April 2005.

Safeguards

7. The Group of Non-Aligned States Parties to the Treaty expresses its strong concern at the growing resort to unilateralism and unilaterally imposed prescriptions and, in this context, strongly underlines and affirms that multilateralism and multilaterally agreed solutions, in accordance with the United Nations Charter, provide the only sustainable method of addressing disarmament and international security issues. In this regard, the Group underlines that the IAEA-established multilateral mechanism is the most appropriate way to address verification and safeguards issues.

8. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the IAEA safeguards system. In this regard, the Group urges all States that have yet to bring into force comprehensive safeguards agreements to do so as soon as possible. The 2000 Review Conference considered this as a main objective to consolidate and enhance the verification system for the non-proliferation regime. However, the Group does not desire to see international efforts towards achieving universality of comprehensive safeguards to wither away in favour of pursuing additional measures and restrictions on non-nuclear-weapon States, which are already committed to non-proliferation norms and which have renounced the nuclear-weapon option. The Group also expresses its strong rejection of attempts by any Member State to use the technical cooperation programme of IAEA as a tool for political purposes in violation of its statute.

9. The Group of Non-Aligned States Parties to the Treaty fully recognizes the role of IAEA as an independent intergovernmental, science and technology-based

organization in the United Nations system, which serves as the sole verification agency for nuclear safeguards and the global focal point for nuclear technical cooperation.

10. The Group of Non-Aligned States Parties to the Treaty reiterates that IAEA's work with regard to safeguards and verification needs to be conducted in accordance with the provisions of its statute and relevant safeguards agreements, including the Model Additional Protocol, where applicable. The Group emphasizes that it is fundamental to make the distinction between legal obligations and voluntary confidence-building measures. In this regard, the Group also emphasizes that IAEA shall ensure avoiding any ultra vires acts jeopardizing its integrity and credibility. The Group urges States Parties to the Treaty to maintain and strengthen the technical character of IAEA consistent with the role defined for it in the statute.

11. With respect to safeguards, the Group of Non-Aligned States Parties to the Treaty believes that the differentiated nature of the financial obligations undertaken by States members of IAEA should be recognized and respected by IAEA in its work.

12. The Group of Non-Aligned States Parties to the Treaty welcomes the ratification by Kuwait and Cuba of the Additional Protocols and the signing of the Protocols by Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Madagascar, Mauritius, Morocco, the Niger, Panama and Togo.

Verification

13. The Group of Non-Aligned States Parties to the Treaty commends IAEA for the extensive verification activities it has undertaken since its inception and expresses full support for its ongoing efforts.

14. The Group of Non-Aligned States Parties to the Treaty reaffirms that IAEA is the competent authority responsible for verifying and assuring compliance by States Parties with their safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Therefore, nothing should be done to undermine the authority of IAEA in this regard. States Parties that have concerns regarding non-compliance by the States Parties with the safeguards agreements of the Treaty should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

15. The Group of Non-Aligned States Parties to the Treaty emphasizes the need to achieve worldwide application of the safeguards system and proposes that nuclear-weapon States Parties to the Treaty undertake to accept full-scope safeguards. This is to be set forth in an agreement to be negotiated and concluded with IAEA in accordance with its statute and the IAEA safeguards system, for the exclusive purpose of verification of the fulfilment of nuclear-weapon States' obligations assumed under this Treaty with a view to providing baseline data for future disarmament and preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

16. The Group of Non-Aligned States Parties to the Treaty, mindful of the importance of article III in verifying the peaceful nature of nuclear programmes,

reiterates that obligations under this article provide credible assurances for States Parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes. Therefore, States Parties to the Treaty are called upon to refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States Parties with comprehensive safeguards agreements.

Regional issues

Middle East

17. The Group of Non-Aligned States Parties to the Treaty recalls the resolution on the Middle East adopted by the 1995 Review and Extension Conference and its operative paragraph 4, as well as the Final Document of the 2000 Review Conference (Part I), which "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their facilities under full-scope International Atomic Energy Agency safeguards".

18. The Group of Non-Aligned States Parties to the Treaty recalls that the 2000 Review Conference reaffirmed that the 1995 resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995, and that the resolution remains valid until its goals and objectives are achieved.

19. The Group of Non-Aligned States Parties to the Treaty recalls that the 2000 Review Conference reaffirmed the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

20. The Group of Non-Aligned States Parties to the Treaty notes with regret that no progress has been achieved since 2000 with regard to Israel's accession to the Treaty, extension of full-scope safeguards to its nuclear facilities or establishment of a nuclear-weapon-free zone in the Middle East, all of which are objectives and priorities that were stressed in both Review Conferences of 1995 and 2000.

21. The Group of Non-Aligned States Parties to the Treaty reaffirms the importance of Israel's prompt accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

22. The Group of Non-Aligned States Parties to the Treaty recalls that nuclear-weapon States, in conformity with their obligations under article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly to Israel, and further undertake not in anyway to assist, encourage or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices under any circumstances whatsoever.

23. The Group of Non-Aligned States Parties to the Treaty, in conformity with the seventh preambular paragraph and article IV of the Treaty, hereby declares its

commitment to exclusively prohibit the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards. The States Parties express their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one nuclear-weapon State. This development will have potentially serious negative implications on security in the region as well as the reliability of the global non-proliferation regime.

24. The Group of Non-Aligned States Parties to the Treaty reaffirms once again the determination of the Parties to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East of a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.

25. The Group of Non-Aligned States Parties to the Treaty agrees that specific time should be made available at Preparatory Committee meetings of the 2010 Review Conference to review the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

26. The Group of Non-Aligned States Parties to the Treaty agrees to establish a subsidiary body to Main Committee II of the 2005 Review Conference to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

27. The Group of Non-Aligned States Parties to the Treaty calls for the establishment of a Standing Committee composed of members of the Bureau of the 2005 Review Conference to follow up intersessionally the implementation of the recommendations concerning the Middle East, in particular Israel's prompt accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, and report to the 2010 Review Conference and its Preparatory Committee.

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Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls that article IV of the Treaty reaffirms the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty, and their right to technical cooperation among themselves or other international organizations keeping in view the needs of the developing areas of the world.

2. The Group of Non-Aligned States Parties to the Treaty recognizes the major and important role of IAEA in assisting, in particular, developing States Parties to the Treaty in planning for and the use of nuclear science and technology for various peaceful purposes, especially in the context of accelerating socio-economic development, including sustainable transfer of such technology and knowledge towards achieving the Millennium Development Goals.

3. The Group of Non-Aligned States Parties to the Treaty recalls that the statute of IAEA stipulated Member States' right to use atomic energy for peaceful purposes, to promote socio-economic development by way of technical cooperation and the production of electric power with due consideration for the needs of developing countries. To ensure the realization of these goals, all States Parties, developed ones in particular, shall extend their assistance, as requested by States Parties which are States members of IAEA, in the provision of equipment, material and technology for peaceful purposes.

4. The Group of Non-Aligned States Parties to the Treaty continues to note with concern that undue restrictions on exports to developing countries of material, equipment and technology for peaceful purposes persist. In this regard, the Group believes that any undue restrictions or limitations on peaceful uses of nuclear energy, incompatible with the provisions of the Treaty, should be removed. The

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Group emphasizes that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. The Group further emphasizes that non-proliferation control arrangements should be transparent and open to participation by all States and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for continued development. Furthermore, such arrangements must pursue and implement, without exception, the condition of adherence to IAEA comprehensive safeguards and to the Treaty on the Non-Proliferation of Nuclear Weapons as a condition for supply to or cooperation with States not parties to the Treaty.

5. The Group of Non-Aligned States Parties to the Treaty underscores that IAEA, under its statutory obligations, pursues the goals of technical cooperation in peaceful applications of nuclear energy as one of the three pillars of its activities. In order to meet the objectives of technical cooperation for peaceful purposes as enshrined in the statute of IAEA and in the Treaty, IAEA has to maintain the balance between the technical cooperation and other activities. The Group believes that all States Parties to the Treaty that are States members of IAEA have to ensure that the technical cooperation programme remains firm and sustainable through adequate financial and human resources in an assured and predictable manner. In this regard, the efficacy of the technical cooperation programme can best be ensured by formulation of the programme and the strategies strictly in accordance with the needs of the developing countries.

6. The Group of Non-Aligned States Parties to the Treaty expresses its rejection of any attempts by any State Party to use the IAEA technical cooperation programme as a tool for political purposes, which is in violation of the statute of IAEA. The Group reaffirms that each country's choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies. The Group stresses the responsibility of developed countries to facilitate and assist the legitimate development of nuclear energy of the developing countries by allowing them to participate to the fullest in possible transfer of nuclear equipment, materials and scientific and technological information for peaceful purposes with a view to achieving the maximum benefits and applying pertinent elements of sustainable development in their activities.

7. The Group of Non-Aligned States Parties to the Treaty reaffirms the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human beings and the environment, and constitutes a grave violation of international law, the purposes and principles of the United Nations Charter and the regulations of IAEA. The Group recognizes the need for a comprehensive multilaterally negotiated instrument, prohibiting attacks, or the threat of attacks, on nuclear facilities devoted to peaceful uses of nuclear energy.